

JOSEPH MICHAEL MILLER,)
)
 Plaintiff,)
)
 VS.) No. 1:15-cv-1095-JDB-egb
)
 SPENCER GIFTS, LLC,)
)
 Defendant.)

Plaintiff filed his lawsuit on April 22, 2015 and was granted leave to proceed *in forma pauperis* on April 23, 2015. (D.E. 5). On October 9, 2015, the undersigned issued an order to issue and effect service of process. (D.E. 6). On October 30, 2015 the Defendant filed a Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(B)(6). (D.E. 10).

On December 21, 2015, this Magistrate Judge entered an order to Show Cause, within eleven (11) days of entry of the Order, why the Motion to Dismiss should not be granted, and was cautioned that failure to respond could result in dismissal of his lawsuit. (D.E. 12).

As a result of the failure of Plaintiff to respond, including his failure to communicate with the Court, the undersigned recommends that the Defendant's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be GRANTED.

Respectfully Submitted this 6th day of January, 2016.

s/Edward G. Bryant

UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATION MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATION. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.